

Exhibit 1 LAW OF THE CASE

"The very meaning of 'sovereignty' is that the decree of the sovereign makes law." *American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

The law is decreed by the sovereign as follows:

1. Under the Constitution of the United States, all United States Courts are courts of record. The Commonwealth of Pennsylvania defines all Pennsylvania courts to be courts of record, and it is codified at PA Title 42 § 321, Court of record.
2. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:
 - a. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689][*Black's Law Dictionary*, 4th Ed., 425, 426]
 - b. Proceeding according to the course of common law [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689] [*Black's Law Dictionary*, 4th Ed., 425, 426]
 - c. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231]
 - d. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.][*Black's Law Dictionary*, 4th Ed., 425, 426]
 - e. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; *The Thomas Fletcher*, C.C.Ga., 24 F. 481; *Ex parte Thistleton*, 52 Cal 225; *Erwin v. U.S.*, D.C.Ga., 37 F. 488, 2 L.R.A. 229; *Heininger v. Davis*, 96 Ohio St. 205, 117 N.E. 229, 231.][*Black's Law Dictionary*, 4th Ed., 425, 426].
3. In a court of record, a judge has no discretion. Our Mission: Through the courts, encouraging the government and its employees to obey the law.
4. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law.
5. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court. Private member association members of the legal profession are Attorneys in equity, and not attorneys at law.

Exhibit 1 LAW OF THE CASE

6. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:
 - a. when he is performing a non-judicial act, or
 - b. when he acts in the complete absence of all jurisdiction.
7. Statutes are expressions of will from the legislature.
8. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.
9. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.
10. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994). When the word law is used in the U.S. Constitution, it means the common law.
11. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court.
12. The mere keeping of a record does not qualify any court to be a court of record.
13. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record.
14. In Pennsylvania and California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such.
15. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is a court of no record if it does not conform to the remaining three requirements for a lawful court of record. That is, a court of record is a court which must meet all of the following criteria:
 - a. generally has a seal
 - b. power to fine or imprison for contempt
 - c. keeps a record of the proceedings

Exhibit 1 LAW OF THE CASE

- d. proceeding according to the common law (not statutes or codes)
 - e. the tribunal is independent of the magistrate (judge).
16. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".
17. "Nisi prius" is a Latin term. Individually, the words mean thus: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless."
18. Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate steps to avoid it or procure its revocation."
19. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.
20. It is a matter of right that one may demand to be tried in a court of record as defined herein. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.
21. For tactical reasons, Commonwealth of Pennsylvania and/or the state and/or State, prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.
22. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.
23. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.
24. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y.

Exhibit 1 LAW OF THE CASE

25. CONFIRMATIO CARTARUM, (conforming charter)
October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court.
This links the Magna Carta to the Common Law.
26. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta. (See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.).
27. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).
28. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.
29. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.
30. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.]
31. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]
32. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]
33. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Scherer v. Cullen, 481 F 946.]
34. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v.

Exhibit 1 LAW OF THE CASE

Happerset, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]

35. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. Notice and see Pennsylvania Constitution, all versions.

36. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

37. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

38. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

39. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our

Exhibit 1 LAW OF THE CASE

land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law....

[Confirmatio Cartarum, November 5, 1297, Sources of Our Liberties Edited by Richard L. Perry, American Bar Foundation]

40. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

41. The singular includes the plural and the plural the singular. The word people is both singular and plural. The present tense includes the past and future tenses; and the future, the present. The masculine gender includes the feminine and neuter.

42. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

43. The Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law. *Warnock v. Pecos County*, 88 F.3d 341 (5th Cir. 07/08/1996), *Ex parte Young*, 209 U.S. 123, 155-56, 52 L. Ed. 714, 28 S. Ct. 441 (1908); *Edelman v. Jordan*, 415 U.S. 651, 664, 39 L. Ed. 2d 662, 94 S. Ct. 1347 (1974); *Brennan v. Stewart*, 834 F.2d 1248, 1252 (5th Cir. 1988).

44. Charter for the Province of Pennsylvania-1681.¹

45. Penn's Charter of Liberty - April 25, 1682.²

46. Charter of Privileges Granted by William Penn, esq. to the Inhabitants of Pennsylvania and Territories, October 28, 1701.³

47. Constitution of Pennsylvania - September 28, 1776.⁴

48. Small points of the law are not law.

¹ http://avalon.law.yale.edu/17th_century/pa01.asp

² http://avalon.law.yale.edu/17th_century/pa03.asp

³ http://avalon.law.yale.edu/18th_century/pa07.asp

⁴ http://avalon.law.yale.edu/18th_century/pa08.asp

Exhibit 1 LAW OF THE CASE

49. Trespass means injury committed with force, actual or implied; immediate and not consequential; if property involved, then property was in actual or constructive possession of plaintiff at the time of injury. Source: Koffler: Common Law Pleading, 152 (1969)

50. Trespass on the Case – In practice, means the form of action by which a person seeks to recover damages caused by an injury unaccompanied with force or which results indirectly from the act of the defendant. It is more generally called, simply, case. Source: 2 Bouvier's Law Dictionary 610 (1867).

51. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp 471-472.

52. Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh Military Law vs Criminal Law, link here:
https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s.

Case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here:
<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/hamdi.html>.

53. The Supreme Court of the United States recognized personal sovereignty on June 16, 2011, link here: https://www.supremecourt.gov/opinions/13pdf/12-158_6579.pdf.

NOTICE

CONSTITUTIONAL PREAMBLES

a. Constitution for the United States of America: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

b. 1849 California Constitution: WE the people of California, grateful to Almighty God for our freedom: in order to secure its blessings, do establish this Constitution.

c. 1879 State of California Constitution: We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

Summary: In all three constitutions listed in #93, (and the constitution of any real republic) the operative word is "establish." The People existed in their own individual sovereignty before the constitution was enabled. When the People "establish" a constitution, there is nothing in the word "establish" that signifies that they have yielded any of their sovereignty to the agency they have created. To interpret otherwise would convert the republic into a democracy. Also, see the legislated notice from the People to the

Exhibit 1 LAW OF THE CASE

government written in the California Government Codes 11120 and 54950 also quoted herein.

54. To deprive the People of their sovereignty it is first necessary to get the People to agree to submit to the authority of the entity they have created. That is done by getting them to claim they are citizens of that entity (see Constitution for the U.S.A., XIV Amendment, for the definition of a citizen of the United States.)

55. 14 C.J.S. 426, 430 The particular meaning of the word "citizen" is frequently dependent on the context in which it is found⁵, and the word must always be taken in the sense which best harmonizes with the subject matter in which it is used.⁶ One may be considered a citizen for some purposes and not a citizen for other purposes, as, for instance, for commercial purposes, and not for political purposes.⁷ So, a person may be a citizen in the sense that as such he is entitled to the protection of his life, liberty, and property, even though he is not vested with the suffrage or other political rights.⁸

56. SOVEREIGNTY Black's Law Dictionary, Fourth Edition
The power to do everything in a state without accountability,—to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Story, Const. Sec 207
Sovereignty in government is that public authority which directs or orders what is to be done by each member associated in relation to the end of the association. It is the supreme power by which any citizen is governed and is the person or body of persons in the state to whom there is politically no superior. The necessary existence of the state and that right and power which necessarily follow is "sovereignty." By "sovereignty in its largest sense is meant supreme, absolute, uncontrollable power, the absolute right to govern. The word which by itself comes nearest to being the definition of "sovereignty" is will or volition as applied to political affairs.⁹

57. STATE Black's Law Dictionary, Fourth Edition
A People permanently occupying a fixed territory bound together by common-law habits and customs into one body politic exercising, through the medium of an organized government, independent sovereignty and

⁵ Cal.—Prowd v. Gore, 2 Dist. 207 P. 490. 57 C.A. 458.

⁶ Cal.—Prowd v. Gore. 2 Dist. 207 P. 490. 57 C.A. 458. La.—Lepenser v Griffin, 83 So. 839, 146 La. 584
N.Y.—Union Hotel Co. v. Hersee, 79 N.Y. 454.

⁷ U.S.—The Freundschaft, N.C., 16 U.S. 14, 3 Wheat. 14, 4 L.Ed. 322
—Murray v. The Charming Betsy, 6 U.S. 64, 2 Cranch 64, 2 L.Ed. 208 Md.—Risewick v. Davis, 19 Md. 82

⁸ Mass.—Judd v. Lawrence, 1 Cush 531.

⁹ Mass.—Dillaway v. Burton, 153 N.E. 13, 256 Mass. 568.

City of Bisbee v. Cochise County, 52 Ariz. 1, 78 P.2d 982, 986.

Exhibit 1 LAW OF THE CASE

control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe.¹⁰

58.. “In Chisholm, the Justices of the Supreme Court rejected Georgia's claim to be sovereign. They concluded instead that, to the extent the term “sovereignty” is even appropriately applied to the newly-adopted Constitution, it rests with the people, rather than with state governments.”¹¹

59. A person may be a citizen for commercial purposes and not for political purposes.”¹²

60. Donald J. Trump is President of the United States. Satan no longer lives in the White House.

¹⁰ United States v. Kusche, D.C.Cal., 56 F.Supp. 201, 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moraitis, C.C.A.Md., 136 F.2d 129, 130.

¹¹ In re Chisholm v. Georgia, 2 U.S. (Dall.) 419 (1793). CITE: Barnett, Randy E., The People or The State?: Chisholm V. Georgia and Popular Sovereignty. Virginia Law Review, Vol. 93; Georgetown Public Law Research Paper No. 969557. Available at SSRN: <http://ssrn.com/abstract=969557>.

¹² Field v. Adreon, 7 Md. 209.